



CITY OF SAN ANTONIO
RULES AND REGULATIONS
FOR
DOWNTOWN MOBILE FOOD TRUCK VENDING
PILOT PROGRAM

INTRODUCTION:

- 1.1 The Mayor and City Council are the policy makers elected to represent the community and to concentrate on policy issues that are responsive not only to the needs of their constituents, but also how they meet the goals of the entire community. It is the policy of the City of San Antonio, established through City Council approval, that it shall be unlawful to operate a mobile food truck establishment in the Central Business District with the exception of vendors who have obtained a Downtown Mobile Food Truck Vending Permit from the Downtown Operations Department in addition to having all the required San Antonio Metropolitan Health District (Metro Health) permits.
- 1.2 The City desires to create a pilot program for mobile food truck vending within the Central Business District to create a sense of place and to provide a vibrant culinary experience at street level for downtown San Antonio.
- 1.3 The City of San Antonio (COSA), through the City Manager, as authorized by City Council on May 15, 2008 Ordinance 2008-05-15-0402, has the authority to establish rules and regulations governing the issuance and regulation of a Downtown Mobile Food Truck Vending Pilot Program within the Downtown Central Business District.
- 1.4 This document sets out guidelines for the permitting process for the Mobile Food Truck Vending Pilot Program in the Downtown Central Business District. After the termination of the pilot period, the program will be evaluated and these guidelines may be adjusted as deemed necessary by the City.
- 1.5 The Downtown Central Business District starts at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwallader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Cesar Chavez Boulevard; west on Cesar Chavez to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and the west on El Paso to Salado.

2 PURPOSE:

- 2.1 To establish rules and regulations for the application and permitting process in order to monitor and control the quantity and quality of vendors who desire to operate a mobile food truck vending operation in the Downtown Business District.

- 2.2 These rules and regulations are not applicable for permits for the River Walk Stationary Designated Public Space Vending Program and Privately Controlled Property Vending Program, the Special Downtown Mobile Food Vending Permit Program, or any other vending program authorized by the City of San Antonio.

3 DEFINITIONS:

- 3.1 “City” means the City of San Antonio.
- 3.2 “Department” means the Downtown Operations Department.
- 3.3 “Director” means the Director of the Downtown Operations Department.
- 3.4 “Petitioner” means any prospective vendor submitting an application for vending permit under this program.
- 3.5 “Qualified Petitioner” means a petitioner whose application has been approved and is in compliance with the stated requirements and is eligible to participate in the Downtown Mobile Food Truck Vending Program Lottery
- 3.6 “Selected Vendor” means the qualified petitioner who is selected through the Committee.

4 DOWNTOWN MOBILE FOOD TRUCK VENDING SITES:

- 4.1 The following are the proposed Vending Sites (Sites) for the pilot program:
- 4.1.1 Site 1 described as HemisFair Park at the arch located near Old Goliad Road. (Petitioners to propose weekdays 11:00 am to 2:00 pm.)
- 4.1.2 Site 2 described as Maverick Park located along E. Jones or N. Alamo Street. (Petitioners to propose Thursdays from 6:00 pm to 9:00 pm)
- 4.1.3 Site 3 described as Historic Civic Center (Annex Lot) located across from City Hall between Nueva and Dolorosa. (Petitioners to propose weekdays 11:00 am to 2:00pm)
- 4.2 Special locations and times can be proposed by the Petitioner; however, the acceptance of these proposals will be determined solely by the City.
- 4.3 Since this is a pilot program, dates and times for vending at designated or special locations will be finalized after all applications are reviewed and selected vendors are determined. Selected vendors, however, must agree to participate at the specified location on designated dates and times for the entire term of the pilot program.
- 4.4 Each Site will be approved by the City. Each space will be marked in a manner deemed appropriate by the City. Any customer queuing on pedestrian sidewalks must not restrict the public right-of-way. Vendor is responsible for managing the queue.

- 4.5 City may adjust these sites in cases of construction, special events, rentals or other special circumstances approved by the Director.
- 4.6 Notification for events requiring vendors to relocate will be provided to vendors and will designate the vending relocation site they may utilize if available. The Downtown Operations Department will provide a map in advance designating the relocation sites, if available. All vendors will be required to have a copy of the map with them at all times.

5 APPLICATION PROCESS:

- 5.1 Prospective vendors (Petitioners) wishing to participate in this program may obtain applications from the City's website, which can be found at <http://www.sanantonio.gov/dtops/vending/default.aspx> or at the City of San Antonio's Downtown Operations Department Offices, located at 400 N. St. Mary's, Suite 100. Applications shall be accepted at the City of San Antonio's Downtown Operations Department Offices, located at 400 N. St. Mary's, Suite 100 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for City Holidays. Applications will only be accepted during the timeframe specified in Section 5.2 of this document.
- 5.2 Applications for the Downtown Mobile Food Truck Vending Pilot Program will only be accepted from **Monday, April 9, 2012 beginning at 8:00 a.m. until a deadline of 4:00 p.m. on Wednesday, April 18, 2012.** Applications should be delivered to the Downtown Operations Department Offices at 400 N. St. Mary's, Suite 100. No application will be accepted after the deadline. If the results of the Pilot Program warrant, the application process for the Downtown Mobile Food Truck Vending Program will be held once a year, with dates to be scheduled annually by the Director of the Downtown Operations Department by March 1st of each year.
- 5.3 Staff will be available to review applications for completion and no application will be accepted unless deemed complete.
- 5.4 A Petitioner must submit a completed application for a permit to vend on the approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.
- 5.5 Petitioner must be eighteen (18) years of age or older at the time of application.
- 5.6 Each Petitioner shall submit a State of Texas Sales and Use Tax Permit I.D. Number issued by the State Comptroller's Office. Said Sales Tax and Use Permit must be in compliance and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate as a Qualified Petitioner.
- 5.7 Each Petitioner will submit, as part of the application, a menu with descriptions of items and pricing proposed for the location. This submittal shall also include representations of the mobile food truck. Petitioner must provide four color photos illustrating the type of mobile food truck. These photos should include a rear, side and a front view and the dimensions of the food truck (length, width and height).

- 5.8 No third party advertising will be allowed in method or manner of display. A list of prohibited items can be found below under Rules and Regulations, Section 9.
- 5.9 Each Petitioner shall submit a letter from an agent authorized to bind the Petitioner and their company to the required coverage, limits, and additional insured endorsement as provided in Section 6.14 and 6.15 below verifying that Petitioner is qualified for said coverage and that Insurance Agent agrees to provide coverage to Petitioner if Petitioner is selected as a Vendor under this program.
- 5.10 Petitioner is required to submit a completed criminal background investigation as part of the application process.
- 5.11 The Selected Vendor shall be allowed to designate additional employees to vend within their truck at their site.
- 5.12 Each Selected Vendor must notify Downtown Operations of all employees who will be operating the mobile food truck. Notification from the Vendor must be in writing and include the employee's Name, Address and Contact Information along with a background clearance letter from the city police department as stated in Section 5.13. Vendors must also notify Downtown Operations in writing when an employee is terminated from employment and will no longer be operating the mobile food truck. A form letter to notify Downtown Operations of the hiring or termination of an employee designated to work within their approved food truck will be provided on the website.
- 5.13 Each Petitioner and each employee will be required to obtain a Local, State and Federal background investigation from the San Antonio Police Department (SAPD). SAPD will certify that the person requesting the background check is not a sex offender registered with the state department of public safety and that the records reviewed by the city police department indicate that the person has not been convicted of any sexual offense or any offense against a child as defined by applicable law.
- 5.14 Petitioner must request completion of the criminal background check in person at the San Antonio Police Department records division located at 214 W. Nueva, Room 123 Monday through Friday from 8:00 a.m. to 4:00 p.m., except for City Holidays.
- 5.15 Petitioner must complete and provide a consent form to San Antonio Police Department (SAPD) records division at time of request.
- 5.16 Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable. Applicable fees and payment restrictions can be obtained by contacting SAPD Identification Division at 210-207-7605.
- 5.17 Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the petitioner's responsibility to provide said completed criminal background check for the application to be complete.
- 5.18 The Downtown Operations Department will consider Petitioner's Application complete with the submission of Local criminal background check for Petitioner and each employee.

Employee's Local criminal background check will be complete with submission of a Clearance Letter provided by city police department and allow said Petitioners who meet all other documentation standards and requirements under this permit process to be considered for the pilot program.

- 5.19 The requirement to submit completed State and Federal criminal background checks shall continue for each Qualified Petitioner and employee. In those cases where an individual has been issued a permit under this vending program, and who's State and Federal records check returns non-compliant with the requirements set out in Section 5.13 above, said Petitioner and/or employee shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 5.20 In the event that a conviction as stated in Section 5.13 above is discovered during a vendor's valid permit period, said Petitioner and/or employee shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 5.21 All employees of the Selected Vendor must comply with all rules and regulations of this program. The Selected Vendor is responsible for the actions of the employee while the employee is working the Selected Vendor's truck.
- 5.22 The Downtown Operations Department shall review the completed applications for compliance with the stated requirements.
- 5.23 To be eligible for the pilot program, the mobile food truck must be a "kitchen on wheels", that is, it must be able to perform complex handling of perishable foods on the unit and have the appropriate mobile food establishment permit from Metro Health. Proof of said permit will be required prior to acceptance into the program. The permit may be obtained at the Development and Business Services Center at 1901 S. Alamo. Interested vendors should contact Metro Health at (210) 207-8853 for more information.

6 DOWNTOWN MOBILE FOOD TRUCK VENDING SELECTION PROCESS:

- 6.1. Each petitioner shall be notified if they are eligible as a Qualified Petitioner at the time they submit their application.
- 6.2. Applicants must submit an application supplied by Downtown Operations which will require photos and specifications of their mobile food truck
- 6.3. A proposed menu with pricing must be submitted.
- 6.4. Applicant must also submit their preferred location and requested times of operation.
- 6.5. Vendors must have access to a rest room during operating hours and applicant must indicate how this will be addressed in the application.
- 6.6. Proof of Commercial General Liability Insurance must be submitted with the application.

- 6.7. The applicant must agree to the terms of the Mobile Food Truck Vending Pilot Program and pay the pilot permit fee. These terms may include:
- 6.7.1 Sharing sales information;
 - 6.7.2 Agreeing to vend at specified locations on specified dates and times on a consistent basis.
- 6.8. The applications will be reviewed and evaluated by a committee. The committee will be composed of representatives from Center City Development Office, Downtown Operations Department, City Manager's Office, San Antonio Police Department, Metro Health, San Antonio Restaurant Association, and two representatives from the general public.
- 6.9. The Committee will select participants based on the truck's appearance, food quality and variety (avoidance of food redundancy).
- 6.10. Selected Vendors will be notified in writing. Selected Vendors must notify the City in writing within three (3) business days of their acceptance of the respective site. Vending must commence no later than forty-five (45) days from the effective date of the permit (May 1, 2012).
- 6.11. The Selected Vendor is defined as the qualified petitioner who is selected through the Selection Committee. The Selected Vendor shall only be authorized to vend on the one (1) designated Public space as indicated through the Committee's notification. Selected Vendor shall not be allowed to vend in any of the other remaining designated public spaces unless written permission is obtained through the Director of Downtown Operations.
- 6.12. All vendors must submit a permit application, and pay a permit fee of \$225 upon notification of approval as a Selected Vendor for the Mobile Food Truck Vending Pilot Program.
- 6.13. In no event shall the Selected Vendor be allowed to sell, assign, subcontract, or sublease their permit rights. Any attempt to do so shall result in the immediate revocation of the Vendor's permit rights and all associated additional vendors' permit rights.
- 6.14. The Selected Vendor shall:
- 6.14.1. Be responsible for all vending activities taking place on their designated site, including any infractions of these policies and procedures.
 - 6.14.2. Have an emergency contact number on file with the Downtown Operations Department for any times in which they are not present at their authorized vending site.
 - 6.14.3. Prior to issuance of a permit, the Selected Vendor must provide to the City an original completed Certificate of Insurance, which shall be completed by an agent authorized to bind the Selected Vendor and their company to the required coverage, limits, and termination provisions.

- 6.14.4. The original certificate must have the agent's original or facsimile signature, including the signer's company affiliation, title, and telephone number, and be mailed directly from the agent to the City.

Selected Vendor is required to provide the following insurance coverage in their Certificate of Insurance covering all vending activities occurring within the designated site:

- 6.14.4.1. Commercial General Liability (Broad Form), which will include Products and Completed Operations, Independent Contractors in the amount of \$500,000 per occurrence for Bodily Injury and Property Damage.
- 6.15. All insurance contracts and Certificates of Insurance shall name the City and its officers and employees as additional insured as respects operations and activities of, or on behalf of, the named insured and shall provide that the coverage for the named insured shall be primary and non-contributory as to any insurance available to the City as an additional insured.

7 PERMIT PROCESS:

- 7.1 The Director of the Downtown Operations Department shall issue the Downtown Mobile Food Truck Vending Permits and administer the Vending Sites. All permits for the Downtown Mobile Food Truck Vending Program will be in effect for the pilot program period from May 1st through October 31st. The cost of the permit will be \$225 for the pilot period.
- 7.2 Each permit shall only be valid for the Downtown Mobile Food Truck Vending Pilot Program. Vending Permits issued through the separate Leased Space/Private Property Vending Program or the River Walk Stationary Designated Public Space Vending Program, the Special Downtown Mobile Food Vending Permit Program, or any other vending program authorized by the City of San Antonio will not be valid for the Downtown Mobile Food Truck Vending Pilot Program.
- 7.2.1 Each Pilot Program Permit shall include:
- 7.2.2 The Permit Number as issued by the Downtown Operations Department;
- 7.2.3 Four photos of the approved mobile food truck (all sides) with dimensions;
- 7.2.4 Approved vendor's contact information;
- 7.2.5 Phone number(s);
- 7.2.6 Identification of the approved Site
- 7.2.7 Location of available rest room.

7.2.8 Permit Validity Dates.

8 PERMIT FEES:

8.1 The permit fee for Vendor during the Pilot Program is \$225.00

8.2 There is no permit fee for employees of Selected Vendors.

9 RULES AND REGULATIONS:

9.1 Each Mobile Food Truck Vending Permit shall be for a specific site within City controlled property.

9.2 Only authorized mobile food truck vendors may operate in the Downtown Central Business District on public property as authorized by the Director of Downtown Operations.

9.3 If selected vendor cannot uphold the term of the agreement about where and when the truck will be located, the vendor will provide a letter to the Director of Downtown Operations as to the reason for the abandonment of the site.

9.4 All mobile food trucks will remain at the fixed location on the approved day and time as per the permit.

9.5 NO MOBILE FOOD TRUCKS will be permitted on or around Alamo Plaza as part of this program.

9.6 Vending at approved/designated public spaces will only be allowed on the specified days and times.

9.7 The vendor will not leave the mobile food truck unattended for any lengthy period of time. If the mobile food truck is left unattended for more than 1 hour then it may be towed and the vendor may be held liable for all reasonable towing and storage charges. The City is not responsible for any damages or theft to the truck if the Vendor chooses to leave their food truck unattended for a short period of time. Vendors must remove their supplies, food truck and equipment from the downtown area at the end of each business day.

9.8 Loud speakers or loud noises of any kind for the purpose of attracting attention are prohibited.

9.9 City utilities will not be used.

9.10 Any waste shall be disposed of safely and properly by the Selected Vendor as per all associated local and state rules, regulations and laws.

9.11 Downtown Mobile Food Truck Vending Pilot Program vendors are prohibited from conducting business on public streets. Patrons must be on sidewalk (public right-of-way). Vendors are not allowed to sell, solicit or attempt to solicit or sell to occupants of any

vehicle.

- 9.12 Vendors must display their current mobile food truck vending permit from SAMHD and Downtown Operations inside each food truck at all times. The food vending permits will be displayed visibly inside the truck and available for inspection. A copy of the Local, State and Federal background checks for each employee designated to work within the mobile food truck must be kept on file in the food truck at all times and be available for inspection. Employees must also carry valid photo identification while working within the food truck.
- 9.13 Vendors must keep the grounds around their food truck and around their vending space free of litter, trash, paper and waste at all times. The vendor shall comply with any reasonable request from the Downtown Operations staff personnel to cease operation and/or to temporarily reposition their food truck to allow time for the Downtown Operations maintenance crews to wash down sidewalks, conduct repairs, or other related maintenance functions.
- 9.14 Mobile food truck vending units shall provide waste containers for customers at such times when the unit is parked. All waste containers and refuse will be taken with the vendor when they leave.
- 9.15 Vendors will position the mobile food truck so as not to damage or destroy any park, private or public property. The truck will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, and shrubbery or planting bed.
- 9.16 Vendors will not be allowed to hang or display merchandise on trees, umbrellas, walls, or vend from other temporary structures located upon any public street, sidewalk, right-of-way or other public property.
- 9.17 Vendors may with the permission of Downtown Operations place tables and chairs in public spaces that do not inhibit the right of way. Any obstructions of the public right of way deemed unsafe by the City or placed without proper approval will be promptly removed.
- 9.18 Any additional signage will require the approval of Downtown Operations.
- 9.19 Depending upon the type of food service proposed for the vending unit, additional specifications may be required to meet the City of San Antonio Health Code. Such additional specifications as may be required shall be determined by the City of San Antonio Metropolitan Health District of the San Antonio Fire Department. For instance, any and all gas cylinders used are subject to San Antonio Fire Department inspection.
- 9.20 Whenever a City of San Antonio Health Officer finds an unsanitary or other unhealthy or unsafe condition in the operation and maintenance of the mobile food truck unit, SAMHD shall determine the appropriate actions for compliance. The vendor shall comply with any corrective action(s) to be taken as per SAMHD instructions.
- 9.21 The vendor will make the mobile food truck available for an inspection by a Health Department Officer, San Antonio Police Officer, Park Police, San Antonio Fire Department

Officer, the Director of Downtown Operations or his/her representatives any time the unit is on public property.

9.22 Vendors and their employees shall at all times be neat and well-groomed. Their outer garments, including footwear, shall be clean, in good condition and/or well-mended. Mobile Food truck operators must comply with all SAMHD requirements regarding attire.

9.23 No vendor will be allowed to sell, possess, consume or distribute alcoholic beverages while operating a mobile food truck as a vendor in the Downtown Central Business District. In addition, tobacco products of any sort will not be offered for sale.

9.24 Vendors must comply with CHAPTER 13 OF THE MUNICIPAL CODE and all GUIDELINES AS OUTLINED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT in order to be eligible to participate in this program.

9.25 A downtown mobile food truck vending permit is issued in the vendor name for a particular unit(s) and vending site and cannot be assigned, sold, lent, leased, or otherwise transferred, even if the ownership of the unit has changed.

9.26 The Director of Downtown Operations may establish additional program specifications and requirements as may be operationally appropriate for the Downtown Central Business District.

9.27 Prohibited Vending:

9.27.1 Tobacco products

9.27.2 Alcoholic product

9.27.3 Sexually explicit and/or drug related paraphernalia

9.27.4 Obscene Material

9.27.5 Non food Vending

9.27.6 Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements

9.27.7 Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications

9.27.8 Tickets for events

9.27.9 Other services or products not approved by the City prior to issuance of the Program Permit

9.28 Vendors shall be allowed to utilize a mobile food truck vending for their operations. This truck will require the approval of the San Antonio Health District Food Sanitation Division. Mobile food truck inspections and approvals occur at the Development and Business

Services Center at 1901 S. Alamo. Telephone number is (210) 207-8853. Mobile food trucks used in vending of items cannot be left on any designated public space during non-operating hours, as well as during other prohibited times such as during special events or at any time that the vendor is not actively vending.

9.29 NO VENDING IS PERMITTED IN SUCH A MANNER AS TO IMPEDE PEDESTRIAN TRAFFIC ALONG THE RIGHT OF WAY/PATHWAY/SIDEWALK.

9.30 NO VENDING IS PERMITTED IN SUCH A MANNER AS TO IMPEDE VEHICULAR TRAFFIC AROUND THE MOBILE FOOD KITCHEN.

9.31 Existing special events, such as parades and craft shows, will take precedence over any Downtown Mobile Food Truck Vending Program permits. As such, mobile food truck vending on Downtown approved spaces will not be allowed during such special events.

9.31.1 Fiesta Events: During the Battle of Flowers Parade and the Fiesta Flambeau Parade, the Downtown Mobile Food Truck Permit will be suspended. Any Selected Vendors wishing to participate must obtain the appropriate license from the Fiesta Commission in order to vend within the Fiesta Commission license premises.

9.32 Where exigent circumstances exist and a San Antonio Police Officer, Park Police Officer, Parking Enforcement Officer or other authorized officer of the City of San Antonio gives notice to a vendor to temporarily move from a location, such vendor will not operate from or otherwise remain at such location. For the purpose of this rule, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian or vehicular traffic; the existence of any obstructions in the public space at or near such location; excessive noise; a major event; festival, program or park activity, a fire, a parade, demonstration, or other such event at or near such location. Any location that becomes unsafe or unusable due to construction will be temporarily suspended until such time as construction is completed.

9.33 City shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Downtown Mobile Food Truck Vending Permit and as so any mobile food trucks or goods left on the designated public space after vendor vacates the designated public space. If said goods and any other property placed by vendor upon the Downtown Mobile Food Vending Site are not removed after hours of operation, then the CITY may remove same without further notice or liability therefore.

9.34 Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.

9.35 Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the City Public Space Vending Permit by the CITY.

- 9.36 Vendor shall not assign the designated public space, or allow same to be assigned by operation of law or otherwise, or sublet or sell the downtown mobile food vending approved/designated public space or any part thereof. Any of the previous actions shall constitute grounds for termination of the City Downtown Mobile Food Truck Vending Permit by the CITY.
- 9.37 San Antonio Police Officers and Park Police Officers shall enforce City Codes on the San Antonio Downtown Central Business District.
- 9.38 Any violation of these rules and regulations may result in issuance of a misdemeanor citation or an administrative statement of violation issued by the Director or his designee.
- 9.38.1 The issuance of three vending related misdemeanor citations within the pilot permit period to a vendor may result in the immediate loss of the vending permit and preclude re-application one year from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. Administrative revocation of the Permit may be appealed to the City Manager's Designee within ten (10) days.
- 9.38.2 An administrative statement of violation issued by the Director or his designee will be treated the same as a misdemeanor citation for purposes of Administrative Revocation of the Permit. A vendor will receive one verbal and one written warning prior to issuance of an administrative statement of violation, unless the severity of the offense warrants an immediate statement of violation, such as vending without a permit or utilizing someone else's badge to vend.

All information related to this program may be obtained from:

City of San Antonio - Downtown Operations Department
400 N. St. Mary's, Suite 100
San Antonio, Texas 78205
(210) 207-3677